

S.R. 121 - By Senator Lombardino: Extending congratulations to Cathy Obriotti.

S.R. 126 - By Senator Adams: Extending congratulations to Eustace, Texas.

S.R. 127 - By Senator Adams: Extending congratulations to Rusk, Texas.

S.R. 136 - By Senator Mauzy: Extending congratulations to Senator and Mrs. Ron Clower on the occasion of their wedding anniversary.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(February 3, 1975)

S.C.R. 15

S.C.R. 18

THIRTEENTH DAY

(Tuesday, February 4, 1975)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, and Williams.

Absent-excused: Brooks.

A quorum was announced present.

The Reverend Bill C. Clark, Park Hills Baptist Church, Austin, Texas, offered the invocation as follows:

Almighty God, we express our gratitude for life, for this land, this state, this assembly; for opportunities of service. Make us mindful of public opinion, but give courage of conviction, peace of mind but disturb us to action.

Cause decisions made in this place, this day, to strengthen our state. Give direction to these makers of the law, interpreters of the law and enforcers of the law, that the law shall indeed make the spirit of our state what it should be.

This we ask in our Savior's name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Gammage.

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 53 (Amended)

S.B. 71

S.B. 78

Senator Gammage, Vice-Chairman, submitted the following report for the Committee on Human Resources.

S.B. 48 (Amended)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Meier:

S.B. 136, A bill to be entitled An Act creating a public agency of the State of Texas to be known as the Texas Housing Finance Agency, and prescribing its purposes; defining terms; authorizing the agency to issue revenue bonds to provide money for its purposes, including the providing of dwelling accommodations for persons of low income; prescribing the governing board, organization, functions, operation, powers, and duties of the agency; providing for the payment and security of the agency's bonds; prescribing the characteristics of the agency's bonds; providing for refunding the agency's bonds; creating a reserve fund for the agency's bonds, to be established with the state treasurer, and to be funded and maintained with bond proceeds or other resources of the agency; prescribing procedures for restoration of depletions of the reserve fund by appropriations; enacting other provisions relating to the subject; providing for the cumulative effect of the Act; providing a severability clause; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

S.B. 181, A bill to be entitled An Act relating to the establishment and maintenance of an emergency telephone number system; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 183, A bill to be entitled An Act relating to the exemption of certain persons from the laws relating to the practice of medicine; amending Article 4504, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 4504a, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Human Resources.

By Senator Clower:

S.B. 197, A bill to be entitled An Act relating to special license tags for mobile citizen's band radio operators; amending Sections 1 and 3, Chapter 244, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701c-2, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Clower:

S.B. 198, A bill to be entitled An Act relating to tax exemptions under the general sales, excise, and use tax for certain nonprofit corporations promoting industrial development; amending Section 20.04, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Finance.

By Senator Clower:

S.B. 199, A bill to be entitled An Act relating to creation of the constitutional office of Criminal District Attorney of Ellis County; abolishing the office of County Attorney of Ellis County; relating to compensation to the county; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Clower:

S.B. 200, A bill to be entitled An Act relating to providing consumers with information concerning deceptive trade practices and their rights and remedies against such practices; and declaring an emergency.

To Committee on Human Resources.

By Senator Clower:

S.B. 201, A bill to be entitled An Act relating to advance approval by a condemnation board in a condemnation proceeding by a corporation having the right of eminent domain; amending Article 3264, Revised Civil Statutes of Texas, 1925, as amended, by adding a Subdivision 1a; and declaring an emergency.

To Committee on State Affairs.

By Senator Clower:

S.B. 202, A bill to be entitled An Act relating to exempting certain cities, counties, and hospital districts from establishing a uniform system of accounting and record maintenance in connection with expenditures of welfare assistance; amending Chapter 216, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6951, Vernon's Texas Civil Statutes), by adding Section 4a; and declaring an emergency.

To Committee on State Affairs.

By Senator Clower:

S.B. 203, A bill to be entitled An Act relating to removing the exemption of state child care institutions and agencies from certain regulatory provisions of the Public Welfare Act of 1941; providing for certification of state child care institutions and agencies; amending Subsection 10, Section 8(a), The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes), and adding Subsection 10a; and declaring an emergency.

To Committee on Human Resources.

By Senator Farabee:

S.B. 209, A bill to be entitled An Act amending Section 24 of Chapter 35, Acts of 1954, 53rd Legislature, First Called Session, as amended, (codified as Art. 8280-160, V.A.C.S.); providing for severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Adams:

S.B. 212, A bill to be entitled An Act authorizing the Texas Department of Mental Health and Mental Retardation to sell certain land located near Lufkin State School in Angelina County, Texas for cash at public sale under certain conditions; providing that said land shall be sold with a reservation of the minerals; authorizing the Commissioner of Mental Health and Mental Retardation to execute and deliver the necessary conveyance providing that the Attorney General approves the form of such conveyance; providing that the net proceeds from such sale go to the General Revenue Fund; and declaring an emergency.

To Committee on Human Resources.

By Senator Clower:

S.B. 213, A bill to be entitled An Act relating to the determination of damages in actions based on unlawful trade practices; adding a Subsection (d) to Section 17.50, Business & Commerce Code; and declaring an emergency.

To Committee on Economic Development.

By Senator Andujar:

S.B. 214, A bill to be entitled An Act relating to the composition of the State Board of Health; amending Chapter 42, Section 2, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4415a, Vernon's Texas Civil Statutes); amending Section 4, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4417a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Williams:

S.B. 215, A bill to be entitled An Act relating to municipal pension systems in certain cities in the state; amending Chapter 358, Acts of the 48th Legislature, Regular Session, 1943, as amended, (Article 6243g, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Andujar, Meier and Creighton:

S.B. 216, A bill to be entitled An Act relating to the establishment of the Texas College of Osteopathic Medicine as a separate institution under the governance of the Board of Regents of North Texas State University; amending Chapter 105, Texas Education Code, by adding Subchapter E; and declaring an emergency.

To Committee on State Affairs.

By Senator Braecklein:

S.B. 217, A bill to be entitled An Act relating to obscenity; providing for a change in the definition of "obscene"; providing for a change in the definition of "harmful material"; amending Section 43.21 and Section 43.24, Penal Code; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 218, A bill to be entitled An Act requiring pawnbrokers to make and preserve for two years, the thumb print of each person pawning an item; amending Section 9(a), Chapter 894, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5069-51.09, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 219, A bill to be entitled An Act relating to authority of district court to order destruction of controlled substances by law enforcement agency without necessity of formal notice and hearing; amending Sections 5.05(a), 5.07(a), 5.07(e), and 5.08(a) of Chapter 429, page 1132, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4476-15, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 220, A bill to be entitled An Act relating to the penalty imposed for a deceptive trade practice; amending Section 32.42, Penal Code; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

S.B. 221, A bill to be entitled An Act relating to the creation, powers, and duties of the Texas Commission on Equal Opportunity Employment; and declaring an emergency.

To Committee on State Affairs.

By Senator Longoria:

S.B. 222, A bill to be entitled An Act relating to the compensation of the judges of the 103rd, 107th, 138th, and 197th Judicial Districts; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator McKinnon:

S.B. 223, A bill to be entitled An Act relating to authorizing the Board of Directors of Texas A & I University to issue revenue bonds and to pledge student tuition to their repayment in order to finance capital improvements at institutions, centers, branches, and schools under the control of the board; amending Chapter 55, Texas Education Code, by adding Section 55.173; and declaring an emergency.

To Committee on State Affairs.

By Senator Farabee:

S.B. 224, A bill to be entitled An Act relating to removing Cottle County from the application of the Uniform Wildlife Regulatory Act; amending Section 1, Uniform Wildlife Regulatory Act (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Natural Resources.

By Senator Lombardino:

S.B. 225, A bill to be entitled An Act relating to official county seals; amending Article 2344, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Patman:

S.B. 226, A bill to be entitled An Act relating to interchangeable juries in counties in which two district courts have jurisdiction; amending Article 2101, Revised

Civil Statutes of Texas, 1925, as amended, by adding a Subsection 6; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Doggett:

S.B. 227, A bill to be entitled An Act amending Chapter 55, Acts of the 52nd Legislature, Regular Session, 1951, as amended, (Article 326-14, V.A.C.S.) relating to the District Attorney of the 53rd Judicial District, his duties and powers, and the duties of the County Attorney of Travis County, Texas; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 228, A bill to be entitled An Act amending subparagraphs (h) and (i), Section 54.051, Texas Education Code, relating to tuition for students who are citizens of any country other than the United States of America; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 229, A bill to be entitled An Act relating to eliminating the requirement for certain affidavits to be executed by applicants for a hunting boat license and a private bird shooting area license; amending Article 903, Penal Code of Texas, 1925, as amended, and Section 3, Chapter 171, Acts of the 63rd Legislature, Regular Session, 1973 (Article 874a, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Natural Resources.

By Senator Adams:

S.B. 230, A bill to be entitled An Act relating to persons who must acquire a commercial game bird breeder's license and the requirement that every holder of a game bird breeder's license band live birds before selling them; amending Sections 1 and 3 and Subsection (b) of Section 6, Chapter 119, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 978k-1, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Natural Resources.

By Senator Adams:

S.B. 231, A bill to be entitled An Act relating to the requirement that a person engaged in the business of propagating any game animal obtain a game breeder's license and the period of validity of the license; amending Section 1, Chapter 96, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 978k, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Natural Resources.

By Senator Lombardino:

S.J.R. 26, Proposing an amendment to Article III, Section 24, of the Texas Constitution, to increase the authorized per diem for the members of the legislature.

To Committee on Texas Constitution.

By Senators Doggett, Lombardino, Kothmann and Traeger:

S.J.R. 27, Proposing an amendment relating to historic preservation and to Article VIII of the Texas Constitution.

To Committee on Texas Constitution.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 16
H.C.R. 17

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 4, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 27, In memory of Mrs. Dolph Briscoe, Sr.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE CONCURRENT RESOLUTION 20

Senator Longoria offered the following resolution:

S.C.R. 20, Memorializing Congress to declare a moratorium on enforcement of wasteful environmental standards until current energy crisis has subsided.

On motion of Senator Longoria and by unanimous consent, the resolution was considered immediately and was adopted.

RECORD OF VOTES

Senators Schwartz, Braecklein, Gammage, Mauzy, Clower, Harris, Sherman and Doggett asked to be recorded as voting "Nay" on the adoption of the resolution.

Senator Ogg asked to be recorded as voting "Present-Not Voting" on the adoption of the resolution.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 4, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Board of Athletic Trainers: For a six-year term to expire January 31, 1981: Dr. Louis C. Johnston of Dallas, Dallas County is replacing Dr. James W. Shuffield of Beaumont, Jefferson County whose term expired.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Upper Guadalupe River Authority: For a six-year term to expire November 1, 1980: Mr. Rex R. Kelly of Vanderpool, Kerr County is replacing Mr. Arthur J. Lochte of Kerrville, Kerr County whose term expired.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

On January 15, 1975 I submitted to the Senate the names of my five appointees to the Commission on Uniform State Laws.

On the submission sheet they are described as Commissioners to the National Conference on Uniform State Laws. While they are required to attend the National Conference under Article 1273b V.A.C.S., they are attending as members of the Commission on Uniform State Laws.

Please make the necessary changes to reflect the fact that the name of the Commission is the "Commission on Uniform State Laws."

Sincerely,
DOLPH BRISCOE
Governor of Texas

COMMUNICATION FROM THE SUPREME COURT OF TEXAS

February 3, 1975

The following communication from the Chief Justice of the Supreme Court of Texas was read:

The Honorable Charles Schnabel
Secretary of the Senate
Capitol Building
Austin, Texas 78711

Re: William H. Skelton, appointment to
Board of Pardons and Paroles

Dear Mr. Schnabel,

Mr. William H. Skelton has requested that I withdraw his name as an appointee to the Board of Pardons and Paroles.

I, therefore, request that the Senate grant leave for me to withdraw his name, and that you return the nomination to me.

Yours very truly,
Joe R. Greenhill

The request was granted by unanimous consent and the nomination of William H. Skelton was returned to the Chief Justice.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read first time and referred to the Committee indicated:

H.C.R. 27, To Committee on Administration.

JURISPRUDENCE COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator Schwartz and by unanimous consent, Senate Rule 103 was suspended in order to permit the Jurisprudence Committee to meet on adjournment.

SENATE RESOLUTION 76 ON SECOND READING

The President laid before the Senate the following resolution:

S.R. 76, Amending Senate Rules relative to composition of Sub-Committees of Committee on Natural Resources.

On motion of Senator Sherman, the resolution was read and was adopted by unanimous consent.

SENATE BILL 18 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

S.B. 18, A bill to be entitled An Act relating to providing group life, accident, and health insurance and benefits coverages on employees of the State of Texas; designating this Act as the "Texas Employees Uniform Group Insurance Benefits Act", etc.; and declaring an emergency.

The bill was read third time.

Senator Traeger offered the following amendment to the bill:

Amend Section 2(f) by adding the word "State" immediately following the word "elected" and immediately prior to the word "officials" where the same appear therein.

Amend Section 3(a)(2) by adding immediately following "(Article 6228a, Vernon's Texas Civil Statutes)," the following: "Chapter 99, Acts of the 51st Legislature, Regular Session, 1951, as amended (Article 6228b, Vernon's Texas Civil Statutes) and Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6228i, Vernon's Texas Civil Statutes)" and by amending the words "Chapter 30, Education Code," to read: "Chapter 3, Title 1, Education Code,".

Amend Section 3(a)(3) so as to read: "'Carrier' shall mean a 'qualified carrier' as defined in this Act."

Amend Section 3(a)(5)(A) by adding the word "state" immediately following the word "elective" and immediately prior to the word "officer" where the same appear

therein.

Amend Section 3(a)(5)(A)(i) by adding immediately following "(Article 6228a, Vernon's Texas Civil Statutes)," the following: "Chapter 99, Acts of the 51st Legislature, Regular Session, 1951, as amended (Article 6228b, Vernon's Texas Civil Statutes) and Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6228i, Vernon's Texas Civil Statutes)."

Amend Section 3(a)(5)(A)(iii) by striking the period at the end thereof and adding the following: "or who is paid from funds of an official budget of a state department rather than from funds of the General Appropriations Act."

Amend Section 3(a)(7) by placing a comma immediately following the word "medical" and adding immediately following the comma the word "dental".

Amend Section 3(a)(8)(B) by striking the words "recognized natural child who lives with the employee or annuitant" and substituting the following: "other child who is".

Amend Section 3(a)(9) to read:

"(9) 'Qualified Carrier' shall mean: (A) any insurance company authorized to do business in this State by the State Board of Insurance to provide any of the types of insurance coverages, benefits or services provided for in this Act under any of the insurance laws of the State of Texas, which has a surplus of at least one million dollars and which has had successful experience, as determined by the trustee, in providing, securing and servicing any of the types of group coverages provided for in this Act; or, (B) any corporation operating under Chapter 20 of the Insurance Code of Texas which provides any of the types of coverages, benefits or services provided for in this Act and which has had successful experience, as determined by the trustee, in providing and securing any of the types of group coverages provided for in this Act."

Amend Section 4(e) by striking therefrom the words "by which the trustee shall act as an appeals body"

Amend Section 6 by striking therefrom the words "require the insurance carrier or carriers to issue" and substituting the following: "provide for the issuance".

Amend Section 8(c) to read:

"(c) The trustee shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each carrier's group insurance, excluding insurance purchased under this Act, in force in the State of Texas on the determination date, which is the most recent December 31 for which information is available to the trustee."

Amend the first sentence of Section 9(a) to read: "Carriers providing any policy purchased under this Act shall provide an accounting to the trustee not later than ninety days after the end of each policy year."

Amend Section 11 by striking the word "uniform" wherever the same shall appear therein and substituting the word "program" for the word "plan" in the first sentence thereof.

Amend Section 16(a) by striking the word "in" where it appears in the first sentence thereof and substituting therefor the word "with".

The amendment was read and was adopted by unanimous consent.

Senator Traeger offered the following amendment to the bill:

Amend Section 5 to read as follows:

"Sec. 5. Trustee To Purchase Group Insurance. The trustee is hereby authorized, empowered and directed to contract with one or more qualified carriers for the purchase of group life; accidental death and dismemberment; health benefits plans, including but not limited to hospital care and benefits, surgical care and treatment, medical care and treatment, dental care, obstetrical benefits, prescribed drugs,

medicines and prosthetic devices and other supplemental benefits, supplies and services in conformity with the provisions of this Act; insurance protection against loss of salary; and all rules and regulations promulgated pursuant thereto upon such terms and conditions as shall be agreed upon between the trustee and the carrier or carriers selected to provide such insurance coverages and benefits; provided, however, the trustee shall be required to seek competitive bidding in contracting for any of the types of group insurance coverage, benefits or services provided for in this Act, but the trustee shall have the right to make a decision and accept a proposed bid on the basis of factors other than cost. While primary attention should be paid by the trustee to the lowest cost bidders, factors such as company solidity and stability, claims adjustment, coverage, and servicing may also be considered. Any decision by the trustee that varies substantially from the lowest cost competitive bids shall be justified and become a part of the minutes of the meeting at which the contract is approved."

The amendment was read and was adopted by unanimous consent.

Senator Traeger offered the following amendment to the bill:

Amend Section 14 to read:

"Sec. 14. Payment of Premiums. The State of Texas shall contribute monthly to the cost of each insured employee's group insurance such amount as shall be appropriated therefor by the legislature in the General Appropriations Act or by the governing board of state departments in their respective official operating budgets if their employees are compensated from funds appropriated by such budgets rather than by the General Appropriations Act. If such employee or annuitant refuses in writing the coverages, benefits or services provided by this Act by a statement in writing satisfactory to the trustee, then in no event shall the State of Texas make any contribution to the cost of any other insurance coverages, services or benefits on such employee or annuitant. If any insured employee or annuitant applies for coverage for which the premium exceeds the state's contribution under this Act, he shall authorize [his employer] in writing and in a form satisfactory to the trustee [to deduct] a deduction from his monthly compensation or [earnings] annuity the difference between the cost of benefits under said group policies and the amount contributed therefor by the State of Texas."

The amendment was read and was adopted by unanimous consent.

Senator Traeger offered the following amendment to the bill:

Amend Section 15 to read:

"Sec. 15. Employer Contributions. (a) On or before the first day of November next preceding each regular session of the legislature, the trustee shall certify to the Legislative Budget Board and budget division of the governor's office for information and review the amount necessary to pay the contributions of the State of Texas to the trustee for insurance premiums on the coverages provided under this Act during the ensuing biennium. This amount shall be included in the budget of the state which the governor submits to the legislature. The trustee shall certify on or before August 31 of each year to the state comptroller of public accounts and the state treasurer the estimated amount of state contributions to be received ~~from~~ for employees covered by this Act during the ensuing year.

"(b) From and after the effective date of this Act, there is hereby allocated and appropriated to the trustee, in accordance with the provisions of this Act, from the several funds from which state employees receive their respective salaries, a sum equal to the total of all employer contributions computed in accordance with the provisions of this Act and the rules and regulations of the trustee promulgated pursuant thereto.

"(c) All moneys hereby allocated and appropriated by the state to the trustee under this Act shall be paid to the trustee in ~~equal~~ monthly installments based on the annual estimate by the trustee of the contributions to be received ~~from~~ for all state employees during said year; provided, however, that in the event said estimate of the contributions of the state employees shall vary from the actual amount of the employer contributions during the year, such adjustments shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the appropriate fund created by this Act in the amount certified by the trustee.

"(d) The trustee shall certify to the governing boards of those state departments who provide contributions for their employees from operating budgets provided from sources other than the General Appropriations Act the proportionate amounts needed to pay their respective contributions. Such certifications shall be made at least 30 days prior to the meeting at which the governing board adopts its operating budget."

The amendment was read and was adopted by unanimous consent.

Senator Traeger offered the following amendment to the bill:

Amend Section 19 of **S.B. 18** by adding the following at the end thereof:

"A surviving spouse of an employee or a retiree who is entitled to monthly benefits paid by a retirement system named in this Act may, following the death of the employee or retiree, elect to retain the spouse's authorized insurance coverage and also retain authorized insurance coverage for any dependent of the spouse, at the group rate for employees, provided such coverage was previously secured by the employee or retiree for the spouse or dependent, and the spouse directs the applicable retirement system to deduct required premiums from the monthly benefits paid the surviving spouse by the retirement system. Upon termination of the monthly annuity, insurance coverage in the group shall terminate."

The amendment was read and was adopted by unanimous consent.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Brooks.

SENATE BILL 41 ON SECOND READING

Senator Sherman moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 41** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson,

Tracger and Williams.

Nays: Braecklein, Clower and Mauzy.

Absent-excused: Brooks.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 41, A bill to be entitled An Act providing standards for state administrative agency practice and procedure; providing mileage and fees for witnesses; providing for review of state agency proceedings; retaining the right of trial de novo of rate cases in an appeal from the Railroad Commission; repealing Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes), and other laws in conflict; providing an effective date; and declaring an emergency.

The bill was read second time.

Senator Sherman offered the following amendment to the bill:

Amend **S.B. 41**, by adding a new Section 19 and renumbering Sections 19-22 as Sections 20-23, such new Section 19 to read as follows:

"19. EXCEPTIONS. The provisions of this Act shall not apply to the financial and medical assistance and service programs of the State Department of Public Welfare."

The amendment was read.

Question - Shall the amendment be adopted?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, February 5, 1975

S.B. 53 - Senator Aikin

S.B. 71 - Senator Aikin

MEMORIAL RESOLUTIONS

S.R. 137 - By Senator Schwartz: Memorial resolution for Mr. Jimmy J. Vacek.

S.R. 138 - By Senator Snelson: Memorial resolution for Mrs. Kenneth Brown.

S.R. 139 - By Senator Snelson: Memorial resolution for Mr. Edgar E. Watts.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 132 - By Senator Williams: Extending congratulations to James M. Wagonseller.

S.R. 133 - By Senator Doggett: Extending congratulations to Sarah Ragle Weddington.